

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THE ESTATE OF JILL ANN ESCHE
AND SIERRA JILL WOFFORD, et al.

Plaintiff,

v.

RENOWN REGIONAL MEDICAL
CENTER, et al.,

Defendants.

3:21-cv-00520-MMD-CLB

**ORDER SCHEDULING VIRTUAL
SETTLEMENT CONFERENCE**

A settlement conference utilizing Zoom video conferencing technology is scheduled to commence on **Friday, December 6, 2024**, at **9:00 a.m.** before United States Magistrate Judge Carla Baldwin. The court will send an email containing information required to join the Zoom video conference prior to the hearing date. Consideration of settlement is a serious matter that requires thorough preparation prior to the virtual settlement conference. Accordingly, IT IS HEREBY ORDERED that:

I. **ATTENDANCE REQUIREMENTS**¹

The lead attorney and any attorney who try the case, the parties, and the person or persons who have full authority to negotiate and settle the case, on any terms, must personally attend the virtual settlement conference and are required to be present on the video for the entirety of the conference without exception. This requires the presence of the attorney's client, or if a corporate, governmental, or other organizational entity, an authorized representative of the client. For a defendant, such representative must have final settlement authority to commit the organization to pay, in the representative's own

¹ Additional requirements related to attendance at the virtual settlement conference are outlined in Judge Baldwin's Standing Order (ECF No. 12) and must be complied with.

1 discretion, a settlement amount up to the plaintiff's prayer, or up to the plaintiff's last
2 demand, whichever is lower. For a plaintiff, such representative must have final authority,
3 in the representative's own discretion, to authorize dismissal of the case with prejudice, or
4 to accept a settlement amount down to the defendant's last offer. If board approval is
5 required to authorize settlement, the attendance of at least one sitting member of the board
6 (preferably the chairperson) is absolutely required.²

7 If an insurance company is a party or is contractually required to defend or to pay
8 damages, they must also have a fully authorized settlement representative present for the
9 entirety of the video settlement conference. Such representative must have final
10 settlement authority to commit the company to pay, in the representative's own discretion,
11 an amount within the policy limits, or up to the plaintiff's last demand, whichever is lower.³

12 Any exceptions to the above attendance requirements must be requested by a
13 motion to the court no later than one-week prior to the scheduled virtual settlement
14 conference.

15 Counsel appearing for the virtual settlement conference without their client, client
16 representatives, or insurance company representatives, as described above, will cause
17 the settlement conference to be canceled or rescheduled. The non-complying party,
18 attorney or both may be assessed the costs and expenses incurred by other parties and
19 the court due to the cancellation, as well as any additional sanctions the court deems
20 appropriate.

23
24 ² If a party is a governmental entity and, pursuant to applicable law, the settlement
25 requires approval by a vote of the governing body of the entity, then one or more
26 member(s) of the governing body that oversees that government entity (such as a county
27 commissioner, city council member, school board member, or the like) must attend the
settlement conference and be prepared to report back to the governing body the terms of
any settlement tentatively reached between the parties and to recommend adoption of the
settlement terms.

28 ³ Counsel are responsible for timely advising any involved non-party insurance
company of the requirements of this order.

II. PRE-CONFERENCE NEGOTIATIONS

Prior to the virtual settlement conference, the parties are to negotiate and make a good faith effort to settle the case without the involvement of the Court. Specific proposals and counter proposals shall be made. Plaintiff(s) shall make an offer to defendant(s) fifteen (15) days prior to the virtual settlement conference. Defendant(s) shall make a counteroffer to plaintiff(s) ten (10) days prior to the virtual settlement conference. The parties shall provide copies of the offer and counteroffer to the court via email Clb_chambers@nvd.uscourts.gov. If the parties fail to present specific proposals and counter proposals prior to the virtual settlement conference, sanctions may be imposed by the court if appropriate.

III. SETTLEMENT CONFERENCE STATEMENT

No later than seven (7) days prior to the virtual settlement conference, the parties must submit a confidential settlement conference statement directly to Judge Baldwin's chambers. The purpose of the settlement conference statement is to assist the court in preparing for and conducting the virtual settlement conference. The settlement conference statement shall not exceed ten (10) pages and must be typed and double spaced.⁴ The settlement conference statement must contain the following:

1. A brief statement of the core and primary facts, claims, and defenses;
2. A brief discussion of the strengths and weaknesses of the case;
3. An estimate of the cost and time to be expended on further pretrial and trial matters should the case not settle;

⁴ This page limitation is inclusive of legal citations, footnotes and endnotes. The parties may attach as exhibits only those documents which are necessary and relevant to the key factual and legal issues in the case, including selected pages from deposition transcripts or responses to other discovery requests.

1 4. An outline of past settlement efforts, including a summary of the past
2 settlement discussions, offers, and demands exchanged by the parties;

3 5. The settlement proposal that you believe would be fair; and,

4 6. The settlement proposal that you would honestly be willing to make in order
5 to conclude this matter and stop the expense of litigation.

6 The settlement conference statements may be emailed, **in PDF format only**,⁵ to
7 chambers by emailing Clb_chambers@nvd.uscourts.gov or may be mailed to chambers
8 at 400 S. Virginia St., Room No. 404, Reno, Nevada 89501. The settlement conference
9 statements are due by no later than **4:00 p.m. on Friday, November 22, 2024**. DO NOT
10 DELIVER OR MAIL THEM TO THE CLERK'S OFFICE; DO NOT SERVE A COPY ON
11 OPPOSING COUNSEL. The confidentiality of each statement will be strictly maintained
12 in Judge Baldwin's chambers. Following the conference, the settlement conference
13 statements will be destroyed.

14
15 **IV. ISSUES TO BE DISCUSSED**

16 The parties shall be prepared to discuss the following at the virtual settlement
17 conference:

18 1. Their goals in the litigation and any problems they would like to address in
19 the settlement conference and their understanding of the opposing side's goals;

20 2. Any issues (in and outside the lawsuit) that need to be resolved in order for
21 a settlement to be reached;

22 3. The strengths and weaknesses of their case;

23
24 _____
25 ⁵ If a settlement conference statement is emailed to Judge Baldwin's chambers, it
26 must be in PDF format and should include all attachments and exhibits in **one** PDF
27 document (as exhibits and attachments should be limited). The Court will **NOT** accept
28 settlement conference statements or exhibits via Cloud-based programs, such as
Dropbox. If a party wishes to submit a video or other type of multimedia as part of their
settlement conference statement, the video or other multimedia must be placed on a
thumb-drive, CD or other external hard-drive and be **mailed or hand-delivered** directly to
Judge Baldwin's chambers.

4. Their understanding of the opposing side's view of the case;
5. Their points of agreement and disagreement (factual and legal);
6. Any financial, emotional, and/or legal impediments to settlement; and,
7. Any suggestions or possibilities for a creative resolution of the dispute.

DATED this 20th day of September, 2024.

A handwritten signature in black ink, appearing to read "Caldwin", written over a horizontal line.

CARLA BALDWIN
UNITED STATES MAGISTRATE JUDGE